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WIDOW OF VETERAN GRANTED BENEFITS AFTER ELEVEN YEARS

SOUTH PORTLAND, MAINE (June 27, 2011) – In 2000, Ethel Brown, the widow of a Vietnam Veteran, made a claim for benefits based on her belief that her husband had contracted stomach cancer and subsequently died because of Agent Orange exposure during his service in Vietnam. Mr. Brown had done two tours of duty in Vietnam and Mrs. Brown contended that she should be granted DIC (Dependency and Indemnity Compensation) benefits.

In 2008 Mrs. Brown hired the law firm of Jackson & MacNichol to represent her when her claim had reached the Court of Appeals for Veterans Claims in Washington, DC. (Docket No. 07-2220). The firm persuasively briefed the case and on July 1, 2009 Judge Davis wrote a single judge opinion reversing the unfavorable decision by the Board of Veterans Appeals and remanding the case for a new hearing by the Board.

The turning point of the case came when a local oncologist who is also a professor at the University of New England Medical School in Maine, Dr. Brian Dorsk, explained that although stomach cancer is not one of the many cancers that has been associated with Agent Orange, based on the limited studies available he felt that it was as probable as not that Mr. Brown's stomach cancer was related to his exposure to Agent Orange. After weighing the medical opinions provided by the VA opposing Ms. Brown's claim and Dr. Dorsk's opinion that the chemicals which make up Agent Orange could have caused the cancer, the Board found in Ms. Brown's favor. This was a huge victory because no one else in the country has succeeded in persuading the Board that stomach cancer could be caused by Agent Orange.

Mrs. Brown will now get her monthly benefits retroactive to the filing of her claim back in 2000.

Jackson & MacNichol, Attorneys at Law, represent clients in social security disability, veteran's benefits and injury and accident claims throughout New England. They handle veteran's benefits claims on a national basis. For more information the firm can be reached at 800-524-3339 or on the web at www.jackson-macnichol.com.

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